



PATENT
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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Christine E. Fort

Printed name of person mailing correspondence

Christine E. Fort

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Seed et al.

Art Unit: 1617

Serial No.: 09/735,024

Examiner: S. Hui

Filed: December 12, 2000

Customer No.: 21559

Title: METHODS AND COMPOSITIONS FOR THE RAPID AND
ENDURING RELIEF OF INADEQUATE MYOCARDIAL FUNCTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 and 3.73(b)

Pursuant to 37 C.F.R. § 1.321(b), Heart Care Partners, the assignee of the entire right, title, and interest in the above-captioned application, seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 C.F.R. § 1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 C.F.R. § 1.321(b)(2), Heart Care Partners hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the

application subsequent to the expiration date of U.S. Patent Nos. 5,861,399 and 6,159,993. Heart Care Partners does not disclaim any terminal part of any patent granted on the application prior to the expiration date of the full statutory term of U.S. Patent Nos. 5,861,399 and 6,159,993 in the event that either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated below.

Pursuant to 37 C.F.R. § 1.321(b)(3) and § 3.73(b), the undersigned attorney/agent of record certifies that Heart Care Partners is the assignee of the entire right, title, and interest in the application by virtue of:

An assignment from the inventors of the application. The assignment was Recorded in the Patent and Trademark Office at Reel/Frame 017241/0982 on March 2, 2006.

Pursuant to 37 C.F.R. § 1.321(b)(4), enclosed is a check for \$65.00 for the fee set forth in 37 C.F.R. § 1.20(d).

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is being filed to overcome a double patenting rejection in the application. Any patent granted on the application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that the patent is commonly owned with the

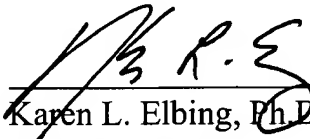
patents that formed the basis for the judicially created double patenting.

If there are any additional charges or any credits, please apply them to Deposit

Account Number 03-2095.

Respectfully submitted,

Date: 13 March 2006



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